

AFFIDAVIT OF JOHN R. HENNIGER

I, John R. Henniger, being of lawful age, having first been duly sworn, do state and affirm as follows:

1. I currently serve as the President of the Board of Directors of Austin Heights Homeowners Association, Inc. (the "Association"). The Association acts by and through its Board of Directors.

2. I reside at 4583 Cedarmere Drive, Colorado Springs, Colorado.

3. I am personally familiar with the property located at 5539 Cody Mesa Court, Colorado Springs, Colorado 80918 (the "Property"). The current owner of the Property, and at all times relevant for this affidavit, is Mr. Estifanos Dagne.

4. I have reviewed the Short-Term Rental License Annual Affidavit executed by Mr. Dagne on September 30, 2022. Mr. Dagne made false representations in that Affidavit, in violation of City Code Section 9.3.104.

5. Specifically, Mr. Dagne falsely represented that the Property was his primary address, and he falsely represented that he resides in the Property for not less than 185 days per year. Upon personal information and belief, Mr. Dagne has never resided at the Property for 185 days in any year since he began listing the Property for rent in October of 2022.

6. Upon information and belief, Mr. Dagne spent approximately 14 months having the Property renovated after purchasing the Property in August of 2021.

7. Neighbors have reported to the Board of Directors that in August of 2022, they spoke with Mr. Dagne and he informed them that he was going to begin listing the Property on Airbnb and, when asked if he would be living at the Property, he stated he would not be.

8. To the best of my knowledge and belief the Property has only been used as a non-owner-occupied short-term rental property by Mr. Dagne since October of 2022.

9. Mr. Dagne's use of the Property as a nonowner occupied short-term rental property has led to numerous problems for neighbors of the Property. Those complaints by neighbors and other residents within the Association include:

- a. Loud parties at the Property going late into the night.
- b. Numerous guest vehicles being parked within the small cul-de-sac it is located on.
- c. Sidewalks being blocked by guest vehicles.
- d. Guests staying at the Property appearing to be intoxicated and wandering around the cul-de-sac and entering neighbor's yards and driveways.
- e. Police being called to the Property.

See attached videos.

10. Below is a list of other neighbors who have experienced residential neighborhood disturbances from Short-Term renters at the Property. We suggest that the City contact them directly:

- Timothy Kaiser & Ann Kaiser, 5538 Cody Mesa Ct., Colorado Springs, CO 80918 Andyandopie@gmail.com; tigerbopster@yahoo.com;
- Kevin Hansen & Isaura Hansen, 5526 Cody Mesa Ct., Colorado Springs, CO 80918 Kevinh80918@me.com;
- James Phillips & Virginia Phillips, 4865 Calverton Pl., Colorado Springs, CO 80918 retired1james@gmail.com; vphillips12345@gmail.com; and
- Randal Hartman & Luella Hartman, 4803 Jamesport Dr., Colorado Springs, CO 80918 rhartman54@gmail.com.

11. As part of the Short-Term Rental Application Requirements, Mr. Dagne acknowledged and agreed to the following:

- I also understand that should the Short-Term Rental become a nuisance, hazard or unreasonably interfere with the quiet enjoyment of other people’s premises, in accordance with 7.5.1707, that this Short-Term Rental Permit will be revoked by the City of Colorado Springs.

12. As set forth above, the current use of the Property is a nuisance to the neighborhood and community.

13. I, both on behalf of the Association and individually, strongly oppose the renewal of continuation of the Short-Term Rental License previously issued to Mr. Dagne for the reasons set forth above.



 John R. Henniger
 john_henninger@comcast.net

STATE OF COLORADO)
) ss
 COUNTY OF EL PASO)

Subscribed and sworn to before me on November 26, 2024.

My commission expires: 10-02-2025

Notary ID: 19974017379

Notary Public: 

SAM SU THOMSEN NOTARY PUBLIC STATE OF COLORADO NOTARY ID 19974017379 MY COMMISSION EXPIRES OCT 2, 2025
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